

**Indiana University**  
**Request for a New Credit Certificate Program**  
To be Awarded by Indiana University Robert H. McKinney School of Law

Campus: IUPUI

Proposed Title of Certificate Program: Graduate Certificate in International and Comparative Law

Projected Date of Implementation: September 2013

TYPE OF CERTIFICATE: (check one)

☐ UNDERGRADUATE CERTIFICATES – These programs generally require 12-29 credits of undergraduate-level academic work.

☒ GRADUATE CERTIFICATES – These programs generally require 12-29 credits of graduate-level academic work or undergraduate academic work carrying graduate credit.

☐ POST-BACCALAUREATE CERTIFICATES –These programs generally require 12-29 credits of undergraduate-level academic work, although students enrolling in these programs must have completed their baccalaureate degrees.

**I. Why is this certificate needed? (Rationale)**

The overall objective of the International and Comparative Law Certificate is to offer students an opportunity to acquire in-depth knowledge of, and to conduct detailed study and analysis of legal, theoretical, and policy perspectives on international and comparative law. Students will select, pursuant to their individual interest, sub-specialization in international and comparative law fields.

The intensifying pace of globalization – the increasing economic, political, legal, and technological interdependency of previously disparate nation-based actors – presents many challenges to and opportunities for legal practitioners. The greater interaction of actors from diverse legal systems requires attorneys to work across national borders in a wide range of legal practice areas, including business and trade; intellectual property (IP) ownership, management, and enforcement; human rights law; and criminal law, among others. In addition, even seemingly non-legal challenges – for example, political decision-making arising from the Arab Spring, global and domestic terrorism, and the global economic crises – require legal analysis. In short, the complexities of client representation and legal analysis in this era of intensifying globalization demands enhanced knowledge of international law and of other legal systems and traditions.

## II. List the major topics and curriculum of the certificate.

A Certificate in International and Comparative Law will be awarded to JD candidates who complete at least 6 approved courses totaling at least 15 credit hours in International and Comparative Law and closely-related subjects (specified below) while maintaining a minimum grade point average as described in I.4. below. This Certificate will commence in the August 2013.

To qualify for a **Certificate in International and Comparative Law**, a JD candidate must satisfy all general requirements for the JD degree, and also:

1. Complete **two** (of three) required core courses (International Law, International Business Transactions, Comparative Law).<sup>1</sup>
2. Complete at least **three** upper level courses from the approved list, including at least one international and one comparative law course. (See below for listing and designation of courses as international and/or comparative.)
3. Complete at least **one** capstone course – writing, practical, cultural immersion, or skills – from the approved list (see VI. below)
4. Maintain a 3.2 cumulative GPA in **all of the required core, upper level, and capstone courses applied toward the Certificate.**<sup>2</sup>

**Note** that the cumulative credit hours for requirements 1., 2., and 3. must total at least 15 hours.

International and Comparative Law Certificate Major Topics and Curriculum (**all of the listed courses are already approved to be taught at Indiana University Robert H. McKinney School of Law**)

Course
Required Core Courses – Must take <b>at least two</b> of the following
International Law (3 cr.)
Comparative Law (3 cr.)
International Business Transactions (3)

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<sup>1</sup> In the event that a student completes all three of the required courses, one of the three will count as an elective. International Business Transactions would count toward the International Law Basket.

<sup>2</sup> This means that a student who has a low score in a core or upper level course that would otherwise apply toward the Certificate (see Table 1) may take a different course or courses to meet Certificate requirements and substitute the grade from that course or those courses to meet the 3.2 cumulative GPA. The student must have a minimum of 15 Certificate-relevant cumulative credit hours (identified in Table 1) with a 3.2 cumulative GPA but may have additional Certificate-relevant courses at a lower GPA.

Upper Level Courses – Must take at least <b>three</b> of the following, including <b>at least one</b> from each of the <b>International Law</b> and <b>Comparative Law</b> baskets:
<b>International Law Basket:</b>
International Criminal Law (3 cr.)
International Human Rights Law (3 cr.)
International Commercial Arbitration (2 cr.)
International Legal Transactions (2 cr.)
International Environmental Law (3 cr.)
International Trade Law (2 cr.)
WTO Law (3 cr.)
International Intellectual Property Law (2 or 3 cr.)
Seminar in Illicit International Markets (2 cr.)
International Tax (3 cr.)
<b>Comparative Law Basket:</b>
International and Comparative Family Law (2 cr.)
European Union: Foundations (3 cr.)
European Union: Doing Business (3 cr.)
Japanese Law (2 cr.)
Law and Society of China (2 or 3 cr.)
Comparative National Security Law (2cr.)
Comparative Competition Law (3 cr.)
Experiential Courses - Writing, Practical, Cultural Immersion, or Skills <sup>3</sup> – Must take at least <b>one</b> of the following
International Human Rights Law Internship (4 cr.)
China Study Abroad (2 or 5cr.)
ACrE (Advanced Course Related Experience) (variable cr.) [international and comparative law topic]
Advanced Field Research (2-4 cr.)
Center for Victim and Human Rights Externship (2 cr.)
Eli Lilly and Company In-House Tax Counsel Externship (2 cr.)
Supervised Research in International and Comparative Law (variable cr.)
Health and Human Rights Clinic (3-4 cr.)
Jessup Moot Court Competition (1 cr.)
European Union Moot Court Law (2 cr.)
Willem C. Vis in International Commercial Law and Arbitration (2 cr.)
Law Review Note [international and comparative law topic] (2

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<sup>3</sup> The skills courses noted here are not necessarily skills courses that would satisfy Law School skills requirements. Students should consult the Records office to be sure.

cr.)
International and Comparative Law Review note (2 cr.)
Global Crisis Leadership Forum
Recommended Courses (Complement International and Comparative Law Studies – Not Required, and not counted toward 15cr.)
Immigration Law (3 cr.)
Immigration Clinic (3 cr.)
Military Law (2 or 3 cr.)

### **III. What are the admission requirements?**

Any JD candidate enrolled at Indiana University Robert H. McKinney School of Law is eligible to seek the Certificate by filing a “Notice of Intent to seek Certificate in International and Comparative Law” in a form approved by the Law School Recorder’s Office. This form should be completed and filed during or before a student’s penultimate semester prior to graduation. In order to complete the International and Comparative Law Certificate, students must meet minimum GPA requirements, and thus students who file a notice of intent will be counseled to give attention to their GPA in order to assure that they have a reasonable prospect of completing the Certificate while meeting the minimum GPA requirement.

### **IV. List the major student outcomes (or set of performance based standards) for the proposed certificate.**

#### *Learning objectives*

The overall objective of the International and Comparative Law Certificate is to offer students an opportunity to acquire in-depth knowledge of, and to conduct detailed study and analysis of legal, theoretical, and policy perspectives on international and comparative law. Students will select, pursuant to their individual interest, sub-specialization in international and comparative law fields.

The intensifying pace of globalization – the increasing economic, political, legal, and technological interdependency of previously disparate nation-based actors – presents many challenges to and opportunities for legal practitioners. The greater interaction of actors from diverse legal systems requires attorneys to work across national borders in a wide range of legal practice areas, including business and trade; intellectual property (IP) ownership, management, and enforcement; human rights; and criminal law, among others,. In addition, even seemingly non-legal challenges – for example, political decision-making arising from the Arab Spring, global and domestic terrorism, and the global economic crises – require legal analysis. In short, the complexities of client representation and legal analysis in this era of intensifying globalization demands enhanced knowledge of international law and of other legal systems and traditions.

Objectives of the core international law courses include understanding and mastery of the nature of international law as well as its formation and status internationally and domestically. These core courses also cover the evolving role of a variety of international actors – international institutions such as the United Nations, the Organization for Economic Cooperation and Development, and the World Trade Organization, as well as nongovernmental organizations and multinational corporations. Equally important, these core courses address the impact of the emergence of international human rights. In the comparative law framework, students will learn about the ways in which different legal theories and philosophical backgrounds play roles in the formation and enforcement of international law.

Through the upper level course selections, students may choose to concentrate on particular sub-disciplines, such as international economic law (WTO law, International Trade Law, European Union Law; International Business Transactions; International Commercial Arbitration) or international human rights law (International Human Rights Law; International Human Rights Externship; Illicit International Markets; and International Criminal Law). Students may also specialize in comparative legal studies, pursuing enhanced knowledge of specific legal systems through courses such as Law and Society in China; Japanese Law; and Islamic Law.

Upper division courses and the experiential requirement will allow students to pursue in-depth study of specific topics and thus gain deeper knowledge of international and comparative laws and institutions, and about actors and fields in which they have a particular interest.

### *Learning Outcomes*

Upon successful completion of this course of study, a student should be able to:

- Understand and identify **international law, its sources, and typologies**
- Identify and describe **the status and role of international law** in the domestic law of the United States, including the **constitutional basis** for the incorporation of international law into U.S. domestic law
- Understand the balance of powers among the three U.S. Constitutional branches in the **creation of international law obligations** and describe mechanisms for the **international and domestic enforcement** of international law, including the role of the executive, legislature, judiciary, private citizens, and non-governmental organizations
- Understand and explain **the concept of sovereignty** and the role that it plays in international law formation and (lack of) enforcement, as well as foreign policy positions of individual countries

- Understand the **role of international law** – including international economic law – in facilitating and sustaining the momentum of economic and other globalization and international human rights law - in identifying and enforcing the rights of individuals and groups in the international and domestic spheres
- Describe and apply **core international and comparative law concepts** and **understand the role of international institutions** including, for example, the United Nations – its origins and institutional design, such as the Security Council, and specialized United Nations organs
- Understand and navigate **the relationship among public and private international law and their sub-disciplines**, such as international trade law and international intellectual property law
- Understand and navigate **the relationship between international and domestic bodies of law**, for example domestic and international criminal law
- Understand and navigate dueling jurisdictions and conflicts of laws in the context of **international litigation and arbitration** and the transnational regulation of global actors, such as multinational corporations and criminal enterprises
- Understand the importance of **international and comparative law and jurisdictional conflicts issues**
- Understand, explain, and distinguish among the **major global legal traditions and philosophies** (for example, civil and common law, religious law), understand their interaction in the domestic and international legal spheres, and the roles they play in formation and enforcement of international law
- Understand the various **methodological and theoretical approaches to the field of comparative law** and how the choice of a method shapes our observations and insights of legal problems, institutions, and systems around the globe
- Critically analyze the public discourse relating to **key current issues in international and comparative law**, such as the use of force, humanitarian assistance and the right to protect, globalization and its international law trade liberalization

**V. Explain how student learning outcomes will be assessed (student portfolios, graduate follow up, employer survey, standardized test, etc.) and describe the structure/process for reviewing assessment findings for the purpose of ensuring continuous improvement of the certificate.**

Student learning outcomes will be assessed in the first instance by reviewing overall course performance by students who are pursuing the International and Comparative Law

Certificate. A required minimum GPA (3.2 in Certificate-required courses) will serve as both a baseline and a motivator for student attention to the rigors of each class.

Each student will also have a member of the International and Comparative Law faculty assigned as a Certificate Advisor and these faculty members will rely upon individual counseling to guide student curriculum choices, promote deeper understanding of course themes, and counsel decisions about the student's "capstone" experience.

The "capstone" experience will call upon each enrolled student to complete a written, skills/experiential or cultural immersion course of project in the international and comparative law field. The capstone experience will be tailored to the student's interests and capabilities. Assessing student performance in this capstone experience will be an important indicator of the Certificate's impact.

Longitudinal studies of Certificate graduates will provide raw data regarding adequacy of preparation and intricacies of market demand.

## **VI. Describe student population to be served.**

The Certificate will serve as a gateway for students wishing to work in international and comparative law as manifested in diverse fields such as international human rights, international economic law, international environmental law, international health law, and international intellectual property law, among others. The Certificate will signal prospective employers that a student has a serious interest in these fields and has engaged in a rigorous course of studies providing a critical foundation for transnational professional practice.

In addition to providing an essential baseline for the future international lawyer and leader, the course of study will also benefit students who will practice law domestically, and whose clients will present a plethora of globalized issues and challenges at the local, state, national, and international level. These globalized subject areas include such diverse fields as business law (for example, transborder corporate acquisitions, securities listings, transborder manufacturing and labor outsourcing, and expansion into new sales and distribution markets); transborder IP ownership, management, and defense including international licensing and distribution agreements; family law, such as transborder custodial conflicts; international human rights law, including international human rights law treaty negotiation, treaty compliance, and enforcement of norms at the domestic level; international criminal law, including issues such as jurisdiction over the crime and/or the accused; and immigration law, such as family reunification, and transborder recruitment of business executives and skilled workers.

**VII. How does this certificate complement the campus or departmental mission?**

The law school's strategic plan expressly recognizes the growing importance of international and comparative law, and commits to course offerings in this subject area. The International and Comparative Law Certificate will complement the law school's mission by advancing students' understanding of the law in this highly complex and evolving field and by assuring that students have a meaningful foundation upon which to build their expertise.

Further, many of our students will become (or already are!) policy and legislative leaders in Indiana and elsewhere in the United States and abroad. The International and Comparative Law Certificate will better prepare them to understand and maneuver within the complexities of an increasingly globalized world.

Beyond the direct professional benefits that this Certificate will offer to students, the exposure to critical questions of how legal systems and societies address membership in the international community, participate in international law making, and regulate both general nature and specific legal subdisciplines – will help students become better informed citizens and advocates regardless of their future work. Those who complete the International and Comparative Law Certificate will be better prepared to engage in influential scholarship and service as they pursue their careers.

Finally, the international and comparative law courses and initiatives, and the market signaling effect of the certificate accords with and is emblematic of IUPUI's and Indiana University's internationalization efforts in curricular offerings and student experiences.

**VIII. Describe any relationship to existing programs on the campus or within the university.**

The International and Comparative Law Certificate is designed to directly complement the Doctor of Jurisprudence (JD) degree. In addition, it may be of particular interest to students taking joint degrees JD/MPA (Master of Public Affairs) and JD/MBA (Master of Business Administration), which are jointly administered by the School of Law and the School of Public and Environmental Affairs and the Kelley School of Business, respectively.

All of the courses proposed for the International and Comparative Law Certificate are presently taught or approved to be taught at the Law School, and the Certificate does not require the creation of any new courses. While new courses will be proposed from time to time in the future in response to educational priorities, and changes in the job market, the Certificate is designed principally as a means to tie existing courses together in an integrated and focused way rather than to expand course offerings.



**IX. List and indicate the resources required to implement the proposed program. Indicate sources (e.g., reallocations or any new resources such as personnel, library holdings, equipment, etc.).**

The International and Comparative Law Certificate is specifically designed to create no new teaching demand on Faculty or University resources. Indeed, it will harness the existing and as-yet-untapped plenitude of international and comparative law resources at the law school, specifically faculty members who are experts in a diversity of international law and comparative law areas and who teach courses in those areas, as well as the Center for International and Comparative Law, the Program in International Human Rights Law, the Joint Center for Asian Law Studies, and the Global Crisis Leadership Forum. The Certificate can be offered and sustained with existing Law Faculty teaching existing courses. Every course offered within this Certificate is already offered by regular faculty, while adjuncts supplement existing Certificate courses in only three areas.

There is flexibility to change and adapt the Certificate in the future, subject to approval but, as proposed, the Certificate capitalizes on existing strengths and resources. It will support student learning and professional aspirations by offering a market-signaling Certificate that can be applied in a range of practices, but with only marginal new administrative burdens.

**X. Describe any innovative features of the program (e.g., involvement with local or regional agencies, or offices, cooperative efforts with other institutions, etc.).**

The “capstone” course requirement will ensure that students complete at least one innovative and original project or course that is either research-based, experiential, and/or immersive in another culture. This feature of the certificate program includes placements with local, state, national government or international agencies as well as work with public interest organizations working on international and comparative law issues. International externship placements options already in place through the law school’s Program on International Human Rights law include the United Nations and its agencies, as well as international nongovernmental organizations, while local placement opportunities include the Center for Victim and Human Rights, and the Health and Human Rights Clinic, which offer practical experiences with human rights claimants in Indianapolis and Indiana. Supervised research topics can address any area of international and comparative law.